

MONDAY, JANUARY 30, 1995

SECOND LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Rev. Maury Davis of Cornerstone Church, Madison, Tennessee.

Representative Wood led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J, DeBerry L, Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones R (Shelby), Jones S, Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Riggsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

ENGROSSED BILLS
January 23, 1995

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 18 and 19.

BETTY KAY FRANCIS, Chief
Engrossing Clerk.

RULES SUSPENDED

Rep. McDonald moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 12, out of order, which motion prevailed.

House Joint Resolution 12 -- Memorials, Death - Representative Mayo Wix. by *McDonald, *McAfee, *Stamps.

On motion, the rules were suspended for the immediate consideration of the resolution.

Rep. McDonald moved that **House Joint Resolution No. 12** be adopted, and that all members voting aye be added as sponsors, which motion prevailed by the following vote:

Ayes	98
Noes	0

Representatives voting aye: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J, DeBerry L, Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones S, Jones U, (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolutions(s) was/were introduced and placed on the Consent Calendar for Wednesday, February 1, 1995:

House Resolution No. 2 -- Memorials, Death -- James Harold Bell. by *Herron.

House Joint Resolution No. 23 -- Memorials, Recognition and Thanks -- Mark Stansberry, Interim President, Shelby State Community College. by *Jones R (Shelby), *DeBerry J, *Miller.

House Joint Resolution No. 24 -- Memorials, Professional Achievement -- James H. Boyd, Principal of the Year, Shelby County. by *Jones R (Shelby).

House Joint Resolution No. 25 -- Memorials, Professional Achievement -- Olander Franklin, Chief Inspector, Memphis Police Department. by *Jones R (Shelby).

House Joint Resolution No. 26 -- Memorials, Professional Achievement -- Luke Yancy, promotion to Executive Vice President, Union Planters Bank. by *Jones R (Shelby).

House Joint Resolution No. 27 -- Memorials, Death -- Wilma Rudolph. by *Jones R (Shelby), *DeBerry J.

House Joint Resolution No. 28 -- Memorials, Recognition and Thanks - Rendezvous Restaurant. by *Jones R (Shelby), *Naifeh, *Head, *McMillan.

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House Joint Resolution No. 30 -- Memorials, Professional Achievement -- Reba F. Akins, Mayor, Westmoreland. by *McDonald.

House Joint Resolution No. 31 -- Memorials, Sports -- White House High School football team, TSSAA Class 3-A state playoffs. by *McDonald.

House Joint Resolution No. 32 -- Memorials, Sports -- 1994 Portland High School girls' volleyball team. by *McDonald.

House Joint Resolution No. 33 -- Memorials, Sports -- Warren County 1993 15-year old Babe Ruth baseball team. by *Rhinehart, *Curtiss.

House Joint Resolution No. 34 -- Memorials, Academic Achievement -- Rebecca Workman, winner, State Junior Beta Club Oration Content. by *Ford.

House Joint Resolution No. 35 -- Memorials, Professional Achievement -- Bob Willis, "Farmer of the Year." by *Lewis.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to Rule No. 17, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

House Joint Resolution No. 29 -- Memorials, Congress -- Urges proposal of constitutional amendment providing for popular election of all federal judges including U.S. Supreme Court Justices. by *Bird, *Newton.

Judiciary Committee

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

*House Bill No. 107 -- Law Enforcement -- Makes law enforcement officers and their employers immune for injuries caused to third party by suspect fleeing pursuit; makes injured third party eligible for claim under criminal injuries compensation fund for injury caused by fleeing suspect or pursuing officer. Amends TCA Title 29, Chapter 13, Part 1; Title 55, Chapter 8, Part 1. by *Walley, *Kent, *Cantrell, *Ford, *Cole (Dyer), *Byrd, *Givens.

*House Bill No. 108 -- Corporations, Not for Profit -- Requires not-for-profit corporations receiving funds from federal, state or local government to mail financial statements to requesting members and include listing of salary, benefits and reimbursed expenses of officers or directors of corporation; requires each corporation to include this information in annual report to secretary of state. Amends TCA Title 48, Chapter 66. by *Westmoreland, *Bragg.

*House Bill No. 109 -- Algood -- Subject to local approval, extends term of mayor and council so election will coincide with regular August election; sets eight year term limit for mayor and

council. Amends Chapter 69, Pvt. Acts of 1977, as amended. by *Hargrove.

***House Bill No. 110** -- Welfare -- Requires AFDC recipients to provide information to identify and locate parent of child for whom aid is claimed and to establish paternity in order to receive benefits; requires department to apply for waiver if these requirements would jeopardize federal funds; enacts 1995 Tennessee Welfare Reform Act. Amends TCA Title 71. by *Herron, *Rinks.

***House Bill No. 111** -- Employees, Employers -- Increases maximum fee from \$250 to \$300 applicant for initial staff leasing company license may be charged. Amends TCA Title 62, Chapter 43, Part 1. by *Rinks.

***House Bill No. 112** -- General Assembly -- Establishes 12 year term limits for members of general assembly; time served to fill vacancy not included; authorizes member to run for other house at end of 12 consecutive years; member not eligible to run for reelection or be appointed to same house until expiration of four years following end of service; begins with November 1994 election. - Amends TCA Title 3. by *Westmoreland, *Fowlkes, *Callicott, *Williams (Williamson).

***House Bill No. 113** -- Taxes, Income -- Increases exemptions from tax on income from stocks and bonds from \$1,250 to \$1,500 for single returns, and from \$2,500 to \$3,000 for joint returns Amends TCA 67-2-104. by *Westmoreland.

***House Bill No. 114** -- Capital Punishment -- Directs execution of those sentenced to death in county where crime committed. Amends TCA Title 40, Chapter 23. by *Bird, *Newton.

***House Bill No. 115** -- Criminal Procedure -- Establishes death sentence review board Amends TCA 39-13-206. by *Bird, *Newton.

***House Bill No. 116** -- State Prisoners -- Requires state prisoners to repay state for costs incurred while incarcerated; failure to make payments requires persons to return to prison and be sentenced as parole violator; to work for state at minimum wage until payment is satisfied; and be notified of these requirements at sentencing hearing. Amends TCA Title 40, Chapter 35, Part 5. by *Bird, *Newton.

***House Bill No. 117** -- Child Abuse -- Enacts "Child Fatality Review and Prevention Act of 1995." Amends TCA Titles 37, 68, 71. by *Westmoreland.

***House Bill No. 118** -- Hospitals and Health Care Facilities -- Lowers maximum freezer temperature for stored foods in nursing homes from 20 degrees F to 15 degrees F; changes designation of intermediate care facility to nursing facility for health care providers who provide care to ICF/MR eligibles. Amends TCA Title 68, Chapter 11; Title 71, Chapter 5. by *Bragg.

House Bill No. 119 -- Maury County -- Subject to local approval, authorizes Maury Regional Hospital. Amends Chapter 199, Private Acts of 1971, as amended. Repeals Chapter 448, Private Acts of 1949; Chapter 373, Private Acts of 1953, as amended. by *Napier, *White.

***House Bill No. 120** -- Public Officials -- Prohibits elected or appointed public officials from having ownership interest in managed care organization which has entered into contract with state to provide health care to TennCare recipient; gives official one year from July 1, 1995 to divest interest. Amends TCA 12-4-101. by *Joyce.

***House Bill No. 121** -- Taxes, Sales -- Exempts from sales and use tax, sale of United states and state flags by nonprofit organizations. Amends TCA 67-6-329. by *Joyce.

***House Bill No. 122** -- Local Education Agency -- Provides that city school system shall not transfer to county upon surrender of city charter or decision of city to exit school operations, unless county votes to accept such city school system. by *Joyce.

***House Bill No. 123** -- Managed Care Organizations - Requires managed care organizations to file copy of financial information with comptroller that it files with bureau of TennCare; information to be filed not later than 15 days after filing with bureau of TennCare. Amends TCA Title 71, Chapter 5. by*Joyce.

***House Bill No. 124** -- Criminal Offenses -- Enacts "Street Terrorism Enforcement and Prevention Act of 1995." Amends TCA Title 39, Chapter 17. by *Joyce.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or Held on the Clerk's desk as noted:

House Bill No. 43 -- Taxes -- House Finance, Ways and Means Committee

House Bill No. 44 -- Solid Waste Disposal -- House State and Local Government Committee

***House Bill No. 45** -- Malpractice, Professional -- House Judiciary Committee

***House Bill No. 46** -- County Officers -- House State and Local Government Committee

***House Bill No. 47** -- Criminal Offenses -- House Judiciary Committee

House Bill No. 48 -- Contractors -- House Commerce Committee

House Bill No. 49 -- Solid Waste Disposal -- House State and Local Government Committee

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House Bill No. 50 -- Hotels and Restaurants -- House Health and Human Resources Committee

*House Bill No. 51 -- Highway Signs -- House Transportation Committee

*House Bill No. 52 -- Highway Signs -- House Transportation Committee

House Bill No. 53 -- Advertising -- House Transportation Committee

House Bill No. 54 -- Election Laws -- House State and Local Government Committee

House Bill No. 55 -- Evidence -- House Judiciary Committee

*House Bill No. 56 -- Civil Procedure -- House Judiciary Committee

*House Bill No. 57 -- Tort Liability -- House Judiciary Committee

House Bill No. 58 -- Workers' Compensation -- House Consumer and Employees Affairs Committee

House Bill No. 59 -- Workers' Compensation -- House Consumer and Employees Affairs Committee

*House Bill No. 60 -- Livestock -- House Agriculture Committee

*House Bill No. 61 -- Banks and Financial Institutions -- House Judiciary Committee

House Bill No. 62 -- Water Pollution -- House Conservation Committee

House Bill No. 63 -- Tennessee Wildlife Resources Agency -- House Conservation Committee

*House Bill No. 64 -- Juvenile Offenders -- House Judiciary Committee

*House Bill No. 65 -- Minors, Gifts to -- House Judiciary Committee

*House Bill No. 66 -- Highway Signs -- House Transportation Committee

House Bill No. 67 -- Alcoholic Beverages -- House Finance, Ways and Means Committee

House Bill No. 68 -- Education -- House Education Committee

*House Bill No. 69 -- Railroads -- House Consumer and Employees Affairs Committee

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*House Bill No. 70 -- Public Service Commission -- House
Commerce Committee

*House Bill No. 71 -- Railroads -- House Transportation
Committee

House Bill No. 72 -- Capital Punishment -- House Judiciary
Committee

House Bill No. 73 -- Highway Signs -- House Transportation
Committee

House Bill No. 74 -- Housing -- House State and Local
Government Committee

House Bill No. 75 -- Taxes, Gasoline, Petroleum Products --
House Transportation Committee

House Bill No. 76 -- Teachers -- House Education Committee

House Bill No. 77 -- Taxes, Inheritance Gift -- House
Finance, Ways and Means Committee

House Bill No. 78 -- Mental Illness -- House Health and Human
Resources Committee

*House Bill No. 79 -- Liens -- House Commerce Committee

*House Bill No. 80 -- Motor Vehicles, Titling and Registration
-- House Transportation Committee

*House Bill No. 81 -- Civil Procedure -- House Judiciary
Committee

House Bill No. 82 -- Correction, Dept. of -- House State and
Local Government Committee

House Bill No. 83 -- Motor Vehicles, Titling and Registration
-- House Transportation Committee

House Bill No. 84 -- Hospitals and Health Care Facilities --
House Health and Human Resources Committee

House Bill No. 85 -- Education, Higher -- House Conservation
Committee

House Bill No. 86 -- Traffic Safety -- House Transportation
Committee

House Bill No. 87 -- Eminent Domain -- House Judiciary
Committee

*House Bill No. 88 -- Lobbying, Lobbyists -- House State and
Local Government Committee

*House Bill No. 89 -- Election Laws -- House State and Local
Government Committee

*House Bill No. 90 -- Lobbying, Lobbyists -- House State and
Local Government Committee

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House Bill No. 91 -- Nurses, Nursing -- House Health and Human Resources Committee

House Bill No. 92 -- Parks, Natural Areas Preservation -- House Conservation Committee

*House Bill No. 93 -- Motor Vehicles, Titling and Registration -- House Transportation Committee

House Bill No. 94 -- Education -- House Education Committee

House Bill No. 95 -- Highway Signs -- House Transportation Committee

*House Bill No. 96 -- Boards and Commissions -- House Conservation Committee

*House Bill No. 97 -- Gas, Petroleum Products, Volatile Oils -- House Transportation Committee

*House Bill No. 98 -- Judicial Districts -- House Judiciary Committee

*House Bill No. 99 -- Criminal Offenses -- House Judiciary Committee

*House Bill No. 100 -- Civil Procedure -- House Judiciary Committee

*House Bill No. 101 -- Bail, Bail Bonds -- House Judiciary Committee

*House Bill No. 102 -- Motor Vehicles, Titling and Registration -- House Transportation Committee

*House Bill No. 103 -- Game and Fish Laws -- House Conservation Committee

*House Bill No. 104 -- Education, Higher -- House Education Committee

*House Bill No. 105 -- Education, Higher -- House Education Committee

*House Bill No. 106 -- Taxes, Sales -- House Finance, Ways and Means Committee

CONSENT CALENDAR

House Resolution No. 1 -- Memorials, Professional Achievement -- Dr. Robbie Kendall-Melton, 1994 Professor of the Year. by*Herron.

House Joint Resolution No. 22 -- Memorials, Personal Occasion- John Cathey, 97th birthday. by *Herron.

Pursuant to Rule No. 50, Rep. Phillips moved that all House bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House

Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which prevailed by the following vote:

Ayes	99
Noes	0

Representatives voting aye: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J, DeBerry L, Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones R (Shelby), Jones S, Jones U (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

ANNOUNCEMENTS

Mr. Speaker Naifeh announced that Rep. Cross had been moved from the Agriculture Committee and was to become the Secretary of the Conservation and Environment Committee. He also announced that Rep. Stulce would remain on the Conservation and Environment Committee.

APPOINTMENT OF SELECT COMMITTEE

The Speaker announced that he has appointed the following members to the Corrections Oversight Committee: Representatives Rhinehart, McKee, DeBerry L, Windle, and Pinion.

MESSAGE FROM THE SENATE January 30, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No. 28, adopted for concurrence.

CLYDE W. McCULLOUGH, JR. Chief Clerk.

Senate Joint Resolution No. 28 -- Memorials, Public Service -- Bronson Ingram. by *Henry.

RULES SUSPENDED

Rep. Purcell moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 28, out of order, which motion prevailed.

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Senate Joint Resolution No. 28 -- Memorials, Public Service --
Bronson Ingram. by *Henry.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Purcell, the resolution was concurred in.

A motion to reconsider was tabled.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 14: Rep.(s). Kent as prime sponsor(s).

MESSAGE FROM THE SENATE
January 30, 1995

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 2,3,4, and 11; all concurred in by the Senate

CLYDE W. McCULLOUGH, JR. Chief Clerk.

ENGROSSED BILLS
January 30, 1995

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 12 and 22.

BETTY KAY FRANCIS, Chief
Engrossing Clerk.

MESSAGE FROM THE SENATE
January 30, 1995

MR. SPEAKER: I am directed to return to the House, Senate Joint Resolution(s) No(s). 5, 10, 13, and 14; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR.
Chief Clerk.

Senate Joint Resolution No. 5 -- Memorials, Death -- Corinne Franklin. by *Henry, *Haynes.

Senate Joint Resolution No. 10 -- Memorials, Sports -- Harriman High School football Team, 1994 TSSAA state runners-up. by *O'Brien.

Senate Joint Resolution No. 13 -- Naming and Designating -- Recommends governor to proclaim April 22, 1995 as "Youth Service Day". by *Cooper, *Crowe, *Kyle, *Womack.

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Senate Joint Resolution No. 14 -- Memorials, Professional Achievement - Pulaski Mayor Dan Speer, "Mayor of the Year". by *Cooper, *Kyle, *Henry, *Cohen.

ANNOUNCEMENTS

The Speaker announced the following House Schedule:

HOUSE COMMITTEE/SESSION SCHEDULE 99TH GENERAL ASSEMBLY

MONDAY:

5:00 SESSION

TUESDAY:

8:00 -- 9:00	CALENDAR AND RULES COMMITTEE
9:00 -- 10:30	COMMERCE COMMITTEE
10:30 -- 12:00	EDUCATION COMMITTEE
10:30 -- 12:00	CONSUMER AND EMPLOYEE AFFAIRS COMMITTEE
12:00 -- 1:30	HEALTH AND HUMAN SERVICES COMMITTEE
12:00 -- 1:30	AGRICULTURE COMMITTEE
1:30 -- 3:00	FINANCE WAY AND MEANS COMMITTEE
3:00 -- 4:30	STATE AND LOCAL GOVERNMENT COMMITTEE
3:00 -- 4:30	GOVERNMENT OPERATIONS COMMITTEE

WEDNESDAY:

8:00 -- 9:00	CALENDAR AND RULES COMMITTEE
9:00 -- 10:30	TRANSPORTATION COMMITTEE
10:30 -- 12:00	JUDICIARY COMMITTEE
10:30 -- 12:00	CONSERVATION AND ENVIRONMENT
COMMITTEE	
2:00	SESSION

THURSDAY:

8:00 -- 9:00	CALENDAR AND RULES COMMITTEE
9:00	SESSION

ROLL CALL

The roll call was taken with the following results:

Present 99

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J, DeBerry L, Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones R (Shelby), Jones S, Jones U (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell,

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Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

RECESS MOTION

On motion of Rep. Purcell, the House recessed until 2:00 p.m., Wednesday, February 1, 1995.